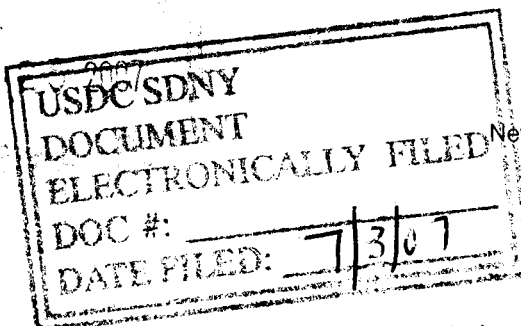


# ReedSmith

Andrew L. Morrison  
Direct Phone: +1 212 521 5422  
Email: amorrison@reedsmith.com



Reed Smith LLP  
599 Lexington Avenue  
New York, NY 10022-7650  
+1 212 521 5400  
Fax +1 212 521 5450

June 25, 2007

*Application granted. Oral argument will be held on July 13, 2007 at 10:00 A.M.*

## BY HAND DELIVERY

Honorable William H. Pauley  
United States District Court Judge  
United States District Court  
Southern District of New York  
500 Pearl Street  
Chambers 2210  
New York, New York 10007

**SO ORDERED:**

*[Signature]*  
WILLIAM H. PAULEY III U.S.D.J.

07/03/07

Re: Pegasus Integrated Consulting Corp. v. rue21, Inc.  
07 cv 3245 (WHP)

Dear Judge Pauley:

We represent the Defendant, rue21, Inc. which has filed a motion to dismiss or transfer this action for improper venue and failure to state a claim. I am writing to respectfully request that rue21, Inc.'s time to file its reply papers on the pending motion to dismiss or transfer in the above-referenced case be extended by two business days, from June 29, 2007 to July 3, 2007, in light of the improper filing and service of Plaintiff's opposition papers as described herein.

In accordance with the schedule set by the Court at the May 18, 2007 conference (which Plaintiff's counsel failed to attend), rue21's motion to dismiss papers were to be filed, and were filed, on May 30, 2007, Plaintiff's opposition papers were to be filed on June 20, 2007 and rue21's reply papers are scheduled to be filed on June 29, 2007. Oral argument is scheduled for July 13, 2007. As this case was designated for ECF filing on April 23, 2007, Plaintiff's opposition papers should have been electronically filed and served on rue21 on June 20, 2007.

Late in the day of June 20, rue21's counsel received a copy of a letter from Plaintiff's counsel, attached as Exhibit A, providing a courtesy copy of Plaintiff's opposition papers to the Court and representing that these papers had been filed and served upon rue21. However, rue21 did not receive (and has never received) electronic notice of the filing and believes, based on a review of the docket, that Plaintiff's opposition papers were not electronically filed as required. Nor did rue21 receive "hard copy" service on June 20.

At approximately 10:00 a.m. on June 21, 2007, the undersigned and Michael E. Lowenstein, Esquire, co-counsel for rue21 located in our firm's Pittsburgh office, telephoned counsel for Plaintiff. We were unable to reach Plaintiff's counsel but left him a voicemail advising him that we had not received the opposition papers and requesting that they be provided immediately. In the afternoon of

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Honorable William H. Pauley  
June 25, 2007  
Page 2

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June 21, 2007, still having received no response, Mr. Lowenstein sent the letter attached as Exhibit B to counsel for Plaintiff reiterating this request.

Finally, on June 22, two days after they should have been received, counsel for rue21 received the opposition papers by regular mail. We have never received a response from counsel for Plaintiff to either the June 21 voicemail or the June 21 letter. rue21 strenuously objects to Plaintiff's attempt to profit from its failure to file by ECF by refusing to correct the error and provide rue21 with the papers it should have received on June 20 and, indeed, refusing even to respond to two very polite but clear requests that it do so. rue21 has been prejudiced by the two days that it lost as a result of Plaintiff's tactics and respectfully requests that its time to file its reply papers therefore be extended by two business days to July 3, 2007.

Respectfully,

REED SMITH LLP

By:   
Andrew L. Morrison

ALM:clbl

Attachments

cc: Tony C. Chang, Esquire (*via Fax to 212-868-9335*)  
Michael E. Lowenstein, Esquire

SO ORDERED:

---

U.S.D.J.

06/20/2007 17:15 212-868-9335

TONY C CHANG ESQ

PAGE 01

**TONY C. CHANG**  
**ATTORNEY AT LAW**  
**299 BROADWAY**  
**SUITE 1700**  
**NEW YORK, NEW YORK 10007**

**TEL (212) 868-9190**  
**FAX (212) 868-9335**

MEMBER OF NY &amp; NJ BAR

tcclaw@earthlink.net

NEW JERSEY OFFICE:

**525 HARMON COVE TOWERS**  
**SECAUCUS, NJ 07094**  
**TEL (846) 229-9190**

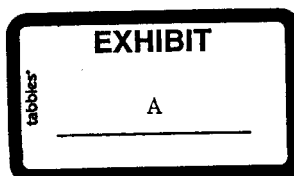
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| <b>Date:</b> | June 20, 2007            | <b>Number of pages including cover sheet:</b> | 2            |
| <b>To:</b>   | Andrew L. Morrison, Esq. | <b>Fax Numbers:</b>                           | 212 521-5450 |
|              |                          |   |              |
| <b>From:</b> | Tony C. Chang, Esq.      |   |              |

**Re:** Pegasus Integrated Consulting Corp. v. ruc21, Inc.

|                 |                                 |  |                                     |   |
|-----------------|---------------------------------|--|-------------------------------------|---|
| <b>REMARKS:</b> | <input type="checkbox"/> Urgent | <input type="checkbox"/> For your review | <input type="checkbox"/> Reply ASAP | <input type="checkbox"/> Please comment |
|                 |                                 |  |                                     |   |

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06/20/2007 17:15

212-868-9335

TONY C CHANG ESQ

PAGE 02

**TONY C. CHANG**  
ATTORNEY AT LAW  
299 BROADWAY  
SUITE 1700  
NEW YORK, NEW YORK 10007

TEL (212) 868-9190  
FAX (212) 868-9335

MEMBER OF NY & NJ BAR

[tcclaw@earthlink.net](mailto:tcclaw@earthlink.net)

NEW JERSEY OFFICE:

528 HARMON COVE TOWERS  
SECAUCUS, NJ 07094  
TEL (646) 229-8190

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June 20, 2007

**Via Hand Delivery**

Honorable William H. Pauley III  
United States District Court Judge  
United States District Court  
Southern District of New York  
500 Pearl Street, Chambers 2210  
New York, New York 10007

Re: Pegasus Integrated Consulting Corp. v. rue21, Inc.  
Case No.: 07 Civ. 3245 (WHP)

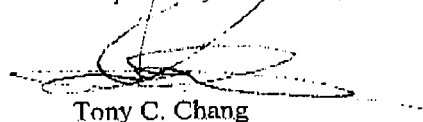
Dear Honorable Pauley III:

This office represents the plaintiff, Pegasus Integrated Consulting Corp., in connection with the above-referenced matter. In connection with defendant rue21, Inc.'s Motion to Dismiss the Complaint or, in the alternative, to transfer venue, I am enclosing courtesy copies of the following documents:

1. Affidavit of Frank Chih, sworn to on June 19, 2007
2. Pegasus's Memorandum of Law.

These documents were previously served on counsel for Defendant and filed with the Clerk of the Court.

Respectfully submitted,



Tony C. Chang

Encls.

cc: Andrew L. Morison, Esq. (via facsimile w/o enclosures)

# ReedSmith

Michael E. Lowenstein  
Direct Phone: 412.288.4242  
Email: mlowenstein@reedsmith.com

Reed Smith LLP  
435 Sixth Avenue  
Pittsburgh, PA 15219-1886  
+1 412 288 3131  
Fax +1 412 288 3063

June 21, 2007

BY FAX TO 212.868.9335 AND U.S. MAIL

Tony C. Chang, Esquire  
299 Broadway, Suite 1700  
New York, NY 10007

Re: Pegasus Integrated Consulting Corp. v. rue21, inc.  
Case No. 07 CV 3245 (WHP)

Dear Mr. Chang:


Further to the voicemail that Andrew Morrison and I left with you at 10:00 a.m. this morning, we still have not received a copy of Plaintiff's opposition papers. Nor have we received any notice from the Court; this indicates to us that the opposition papers were not electronically filed as required, and which would have afforded us access to these papers yesterday.

As you know, we have a limited period in which to file reply papers and so this delay is prejudicial. Our practice is to be reasonable regarding timing issues and not to burden the Court with small matters, but if these papers are not received immediately this afternoon, we will need to take this matter up with the Court. My fax number is 412-288-3063 and you have Andrew's fax number. You also can email a PDF of the papers to me at mlowenstein@reedsmith.com.

Thank you in advance for your prompt attention to this matter.

Very truly yours,

REED SMITH LLP

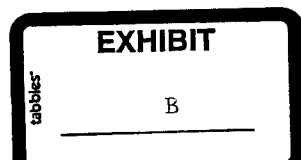
By:   
Michael E. Lowenstein

MEL:clbl

cc: Andrew L. Morrison, Esquire

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## FAX TRANSMITTAL

**From: Michael E. Lowenstein**  
 Direct Phone: 412.288.4242  
 Email: mlowenstein@reedsmith.com  
 Date: June 21, 2007

Reed Smith LLP  
 435 Sixth Avenue  
 Pittsburgh, PA 15219-1886  
 +1 412 288 3131  
 Fax +1 412 288 3063

**Total Number Of Pages Including Cover Page 2**

### FAX TO

| Name                   | Company | Fax Number   | Phone Number |
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| Tony C. Chang, Esquire |         | 212 868 9335 |              |

Original will follow via: ☒ Regular Mail ☐ Overnight Delivery ☐ Messenger ☐ None

### NOTES:

If you do not receive all of the pages, please call Carla L.B. Lampel at 412-288-4243.